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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,191	09/24/2003	Hans Jorg Sidler	2003_1337A	4115

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EXAMINER

JACYNA, J CASIMER

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,191	<b>Applicant(s)</b> SIDLER, HANS JORG <i>CM</i>	
	<b>Examiner</b> J. Casimer Jacyna	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13, 15, 16, 18, 21-23, 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sidler. Sidler discloses a shut off device that protect against pipeline explosions including a slide valve plate 11, a piston rod 26, a piston 22, a cylinder 25, a pressure medium reservoir 19, a closing valve 30, a housing forming the pressure medium reservoir 20, and a vent valve (see claim 13) 40. In regard to claim 18, figures 1 and 2 clearly show a housing as claimed covering the valve 30 and generic further elements.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 19, 20, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sidler in view of Pierson et al. Sidler discloses a piston cylinder controlled slide valve substantially as claimed but does not disclose the use of two pistons in two cylinders. However, Pierson teaches another slide valve having two piston cylinders combinations apparently for the purpose of attaining a more balanced control of the slide plate movement by having two support points on opposed distal

sides of the valve plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the slide valve of Sidler with two pistons and cylinders as, for example, taught by Pierson in order to attain a more balanced control of the slide plate movement by having two support points on opposed distal sides of the valve plate.

5. Claims 17, 25, 27, 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sidler in view of King. Sidler discloses a slide valve substantially as claimed but does not disclose the claimed end seal. However, King teaches another slide valve having an abutment strip 68, an elastomer part 70 and an existing space 20 into which the elastomer part is moved, including movement of the abutment strip as disclosed on col. 4, lines 17-29, for the purpose of attaining a better seal with the valve plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the slide valve of Sidler with an existing space end seal as, for example, taught by King in order attain a better seal with the valve plate.

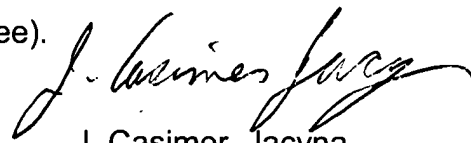
6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to claim 14 above, and further in view of King. The modification of Sidler in view of King with respect to the end seal is discussed in the rejection of claim 17 above.

7. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on 9/25/2002. It is noted, however, that applicant has not filed a certified copy of the Swiss application as required by 35 U.S.C. 119(b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna  
Primary Examiner  
Art Unit 3751

JCJ